IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No. 1161 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RUPELBEN SANJIVKUMAR PATHAK
Versus
SANJIVKUMAR BIPINCHANDRA PATHAK

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Appearance :
MR SUDHIR M MEHTA for the Applicant
MR JV MEHTA for the Opponent

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 12/01/2006

ORAL JUDGMENT

The applicant – opponent in Divorce Application No.4 of 2005 filed by the present respondent – original plaintiff in the Court of learned Civil Judge (S.D.), Valsad is before this Court for the transfer of the same to the Court of learned Civil Judge (S.D.), Vadodara

under Section 24 of the Code of Civil Procedure.

Heard the learned advocates.

Mr.Sudhir M.Mehta, the learned advocate for the applicant – wife submitted that the wife has also filed L.N.No.210 of 2005 in the Court of learned Civil Judge (S.D.), Vadodara on 3rd May 2005 under Section 9 of the Hindu Marriage Act, praying for restitution of conjugal rights. He further submitted that the grounds for which the transfer is warranted are set out in paragraph No.3 of this application.

Mr.J.V.Mehta, the learned advocate for the respondent herein – husband could not successfully dislodge those grounds.

Having heard the learned advocates, this Misc.Civil Application is allowed. Divorce Application No.4 of 2005 filed in the Court of learned Civil Judge (S.D.), Valsad is transferred to the Court of learned Civil Judge (S.D.), Vadodara. On transfer, the learned Judge shall give priority to the hearing of the matter and shall decide the same as expeditiously as possible. Rule is made absolute with no order as to costs.

(RAVI R.TRIPATHI, J.)

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